

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
GREENBELT DIVISION**

COSTAR REALTY INFORMATION, INC.  
and COSTAR GROUP, INC.,

Plaintiffs,

v.

MARK FIELD D/B/A ALLIANCE  
VALUATION GROUP, *et al.*

Defendants.

Civil Action No. 8:08-CV-663-AW

**COSTAR'S MOTION TO SEAL MEMORANDUM IN SUPPORT OF COSTAR'S  
OPPOSITION TO PATHFINDER'S MOTION FOR ATTORNEYS' FEES**

Plaintiffs CoStar Realty Information, Inc. and CoStar Group, Inc. (collectively "CoStar") move pursuant to Local Rule 105.11 and Section III.A.7 and III.C.1 of the Electronic Filing Requirements and Procedures for Civil Cases (November 23, 2009) to file partially under seal its memorandum in opposition to Pathfinder's motion for attorneys' fees. This document contains direct quotes and paraphrased testimony of the deposition of Samuel Wu, Pathfinder's Rule 30(b)(6) witness. Pathfinder designated Mr. Wu's entire deposition transcript as "CONFIDENTIAL" under the Protective Order entered in this case (D.E. 69), which prohibits parties from disclosing documents or information designated as confidential under the order.

The testimony quoted in CoStar's opposition to Pathfinder's motion for fees is similar to the testimony that was the subject of an earlier motion to seal (D.E. 71), which CoStar filed in connection with its earlier-filed motion to compel (D.E. 70). The earlier motion to seal was denied by Magistrate Judge Schulze. D.E. 86. Despite the similarity in the substance of the testimony that is the subject of both motions to seal, however, CoStar files this motion both

because the quoted testimony is necessary to support its opposition to a motion filed by Pathfinder for fees and because Pathfinder has not lifted the confidentiality designation over the testimony in question. After the earlier motion to seal was denied, CoStar asked Pathfinder if it would provide its consent a renewed motion to seal. Pathfinder refused to provide its consent, and instead requested that CoStar remove the exhibits from the record. *See* D.E. 99-1, 99-2. CoStar did not believe removal was appropriate because such removal would leave the record of this case incomplete and, significantly, because the material in question would be pertinent to any future motions for fees. In fact, at the same time Pathfinder requested CoStar withdraw the materials from the record, it also indicated that it intended to seek attorneys' fees from CoStar. *See* D.E. 99-1.

If the deposition quotes were filed publicly, CoStar would risk breaching the Protective Order by disclosing information designated confidential by Pathfinder. Thus, although CoStar did not designate the materials in question as confidential, it is obligated to file this motion to seal under the Protective Order. Any alternative to filing the deposition excerpts under seal would be insufficient to protect against the public disclosure of deposition transcript.

Dated: February 1, 2010

Respectfully submitted,

/s/

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*Attorneys for Plaintiffs CoStar Realty  
Information, Inc, and CoStar Group, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that service required by Fed. R. Civ. P. 5 was made, and that a true copy of the above document, with attachment, was served upon the attorneys of record for the following parties by electronic mail, U.S. First Class Mail, and by electronically filing the document with the Clerk of Court using the CM/ECF system, which caused a Notice of Electronic Filing (NEF) to be sent to the following on February 1, 2010:

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**I FURTHER CERTIFY** that on February 1, 2010, a true copy of the foregoing was sent by electronic mail and Federal Express to the attorneys listed above and to:

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*Trustee, Lawson Valuation Group,  
Bankruptcy Petition No. 09-25404, U.S.  
District Court for the Southern District of  
Florida*

Dated: February 1, 2010

Respectfully submitted,

/s/

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